IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1064 OF 2006

Ashabai D. Bachhav ...Appellant

v/s

Sumanbai T. Gangurde and anr. ...Respondents

Mr H.S. Venegavkar for Appellant.

Mr G.S. Godbole with Mr P.M. Arjunwadkar for Respondent No.1.

CORAM : D.K. DESHMUKH J.

DATE : 10TH AUGUST 2007.

P.C. :-

1. The substantial question of law which according to the appellant arises is that because the suit was filed by the plaintiff after the year 1954 i.e. after the Hindu Succession Act came into force, though she did not get any property left behind by her father who died in the year 1941, she will be entitled to a share in the property left behind by the father. The sole reason according to the appellant being that the suit was filed after 1954. Admittedly, this point was not raised before the Trial Court and the Appellate Court. Obviously, it cannot be permitted to be raised for the first time in the second appeal. Second appeal is rejected. Civil application No.1789 of 2006 is disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.